

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOEL EICHENHOLTZ, Individually and On ) Case No. C 07-6140 MHP  
Behalf of All Others Similarly Situated, )  
Plaintiff, )  
v. )  
VERIFONE HOLDINGS, INC., DOUGLAS )  
G. BERGERON, and BARRY )  
ZWARENSTEIN, )  
Defendants. )  
PETER LIEN, Individually and On Behalf of ) Case No. C 07-6195 JSW  
All Others Similarly Situated, )  
Plaintiff, )  
v. )  
VERIFONE HOLDINGS, INC., DOUGLAS )  
G. BERGERON, and BARRY )  
ZWARENSTEIN, )  
Defendants. )

**STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING RELATED  
CASES**

Judge: The Hon. Marilyn H. Patel  
Courtroom: 15

1	BRIAN VAUGHN and MIRIAM LOGAN,	)	Case No. C 07-6197 VRW
2	On Behalf of Themselves and All Others	)	
2	Similarly Situated,	)	
3		)	
3	Plaintiffs,	)	
4		)	
4	v.	)	
5	VERIFONE HOLDINGS, INC., DOUGLAS	)	
6	G. BERGERON, and BARRY	)	
6	ZWARENSTEIN,	)	
7		)	
7	Defendants.	)	
8	ALBERT L. FELDMAN and ELEANOR	)	Case No. C 07-6218 MMC
9	JEAN FELDMAN, Individually and On	)	
9	Behalf of All Others Similarly Situated,	)	
10		)	
10	Plaintiff,	)	
11		)	
11	v.	)	
12	VERIFONE HOLDINGS, INC., DOUGLAS	)	
13	G. BERGERON, and BARRY	)	
13	ZWARENSTEIN,	)	
14		)	
14	Defendants.	)	
15	DONALD CERINI, Individually and On	)	Case No. C 07-6228 SC
16	Behalf of All Others Similarly Situated,	)	
16		)	
17	Plaintiff,	)	
17		)	
18	v.	)	
18	VERIFONE HOLDINGS, INC., DOUGLAS	)	
19	G. BERGERON, and BARRY	)	
19	ZWARENSTEIN,	)	
20		)	
20	Defendants.	)	
21		)	

1	WESTEND CAPITAL MANAGEMENT	)	Case No. C 07-6237 MMC
2	LLC, Individually And On Behalf of All	)	
3	Others Similarly Situated,	)	
4		)	
5	Plaintiff,	)	
6	)	)	
7	v.	)	
8	)	)	
9	VERIFONE HOLDINGS, INC., DOUGLAS	)	
10	G. BERGERON, and BARRY	)	
11	ZWARENSTEIN,	)	
12		)	
13	Defendants.	)	
14	)	)	
15	KURT HILL, On Behalf of Himself and All	)	Case No. C 07-6238 MHP
16	Others Similarly Situated,	)	
17		)	
18	Plaintiff,	)	
19	)	)	
20	v.	)	
21	)	)	
22	VERIFONE HOLDINGS, INC., DOUGLAS	)	
23	G. BERGERON, and BARRY	)	
24	ZWARENSTEIN,	)	
25		)	
26	Defendants.	)	
27	)	)	
28	EDWARD FEITEL, on behalf of himself and	)	Case No. C 08-0118 CW
29	all others similarly situated,	)	
30		)	
31	Plaintiff,	)	
32	)	)	
33	v.	)	
34	)	)	
35	VERIFONE HOLDINGS, INC., DOUGLAS	)	
36	G. BERGERON, and BARRY	)	
37	ZWARENSTEIN,	)	
38		)	
39	Defendants	)	
40	)	)	

1 Pursuant to Fed. R. Civ. P. 16(d), Civil L.R. 23-1(b), and the Manual for Complex  
 2 Litigation, Fourth §§ 11.12, 11.21, and 31 (2004), the parties stipulate, and the Court hereby orders, as  
 3 follows:

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5 **CONSOLIDATION OF RELATED CASES**

6 1. The following nine actions arise out of the same transactions and occurrences and  
 7 involve the same or substantially similar issues of law and/or fact, and, therefore, are related cases  
 8 within the meaning of Civil L.R. 3-12:

Abbreviated Case Name	Case Number	Date Filed
<i>Eichenholtz v. VeriFone Holdings, Inc. et al.</i>	C 07-6140 MHP	12/04/07
<i>Lien v. VeriFone Holdings, Inc. et al.</i>	C 07-6195 JSW	12/06/07
<i>Vaughn et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6197 VRW	12/06/07
<i>Feldman et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6218 MMC	12/07/07
<i>Cerini v. VeriFone Holdings, Inc. et al.</i>	C 07-6228 SC	12/10/07
<i>Westend Capital Management LLC v. VeriFone Holdings, Inc. et al.</i>	C 07-6237 MMC	12/10/07
<i>Hill v. VeriFone Holdings, Inc. et al.</i>	C 07-6238 MHP	12/10/07
<i>Offutt v. VeriFone Holdings, Inc. et al.</i>	C 07-6241 JSW	12/11/07
<i>Feitel v. VeriFone Holdings, Inc., et al.</i>	C 08-0118 CW	01/07/08

21 2. Pursuant to Fed. R. Civ. P. 42(a), the above-listed cases are hereby reassigned to  
 22 United States District Judge Marilyn H. Patel and consolidated into Civil Action C 07-6140 MHP for  
 23 pretrial proceedings before this Court. The consolidated action shall be captioned: "*In re VeriFone*  
 24 *Holdings, Inc. Securities Litigation.*"

26 3. All related actions that are subsequently filed in, or transferred to, this District  
 27 shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related  
 28

1 action, absent order of the Court. A party that objects to such consolidation, or to any other provision of  
2 this Order, must file an application for relief from this Order within thirty (30) days after the date on  
3 which a copy of the order is mailed to the party's counsel.

4. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

## MASTER DOCKET AND CAPTION

5. The docket in Civil Action No. C 07-6140 MHP shall constitute the Master Docket for this action.

6. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE VERIFONE HOLDINGS, INC. ) Master File No.  
SECURITIES LITIGATION ) C 07-6140 MHP

This Document Relates To: )

7. The file in Civil Action No. C 07-6140 MHP shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:." When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To:," the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07 6140 (Doe)").

8. The parties shall file an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 3-12, whenever a case that should be consolidated into this action is filed in, or transferred to, this District.

## **PLEADINGS AND MOTIONS**

9. Defendants are not required to respond to the complaint in any action consolidated into this action, other than a consolidated complaint or a complaint designated as the operative complaint.

10. The consolidated complaint shall be the operative complaint and shall supersede all complaints filed in any of the actions consolidated herein.

11. Following the appointment of Lead Plaintiff in this action and the filing of the consolidated complaint, Defendants shall respond to the consolidated complaint within sixty (60) days after service, unless otherwise agreed upon by the parties.

Dated: January 18, 2008

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Douglas G. Bergeron, and Barry  
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1           *I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to*  
2           *file this STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED CASES. In*  
3           *compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred*  
4           *in this filing.*

5           Dated: January 18, 2008

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1           Dated: January 18, 2008

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12 Dated: January 18, 2008

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2  
3 THE FOREGOING STIPULATION  
4 IS APPROVED AND IS SO ORDERED.  
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Dated: January 18, 2008

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ORDER

